

REMARKS/ARGUMENTS

Reconsideration of the above-referenced application in view of the following remarks is respectfully requested.

Claims 1-18, 20 and 21 are pending in this case.

The Examiner rejected claims 9-18 and 20-21 under 35 U.S.C. 103(a) as being unpatentable over Kent (US 6130016), in view of Krivokapic et al. (US 5646870) and further in view of Minobe et al. (US 7304791).

Applicant respectfully submits that claim 9 is patentable over the references as there is no disclosure or suggestion in the references of visually inspecting resist material for light and dark regions within the test pattern area, the light and dark regions representing a corresponding variance in the patterned feature area of the resist material. As noted by the Examiner and previously argued by the applicant, the combination of Kent and Krivokapic fail to disclose or suggest this feature. Minobe is applied by the Examiner to teach "visually inspecting said material for light and dark regions within said test pattern area, said light and dark regions representing a corresponding variance in said area of the material (col. 8, line 16-22)." While Minobe does teach that a relationship between minute defects/foreign matters and large textures can be seen, this does not disclose or suggest, in combination with Kent and Krivokapic, visually inspecting for light and dark regions corresponding to a variance in the patterned feature area, much less a variance in the patterned feature area of a resist material. Accordingly, Applicant respectfully submits that claim 9 and the claims dependent thereon are patentable over the references.

Applicant respectfully submits that claims 21 and 18 and the claims dependent thereon are similarly patentable over the references.

Applicant respectfully submits that claims 15, 18, and 21 are further patentable as there is no disclosure or suggestion in the references of visually inspecting the patterned resist material for light and dark regions, differences in the light and dark regions representing a variance in critical dimension (CD) in the patterned resist material. A relationship between light and dark regions and a variance in the CD of a patterned resist material is not known or suggested by the combined prior art.

In light of the above, Applicant respectfully requests withdrawal of the Examiner's rejections and allowance of claims 9-18, and 20-21. If the Examiner has any questions or other correspondence regarding this application, Applicant requests that the Examiner contact Applicant's attorney at the below listed telephone number and address.

Respectfully submitted,

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